

PROCEEDINGS OF THE COMMON COUNCIL
IN Regular SESSION
Tuesday, August 22, 197 72

CITY OF FORT WAYNE, INDIANA
Journal of the Proceedings
of the Common Council

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday
evening, August 22, A.D., 197 2 in Regular Session. President John Nuckols
in the chair, and Charles W. Westerman, Clerk, at the desk, present
the following members Nine viz:

Burns ✓, Hinga ✓, Kruse ✓, Nuckols ✓, Moses ✓,
Donald Schmidt, ✓, Vivian Schmidt ✓, Steir ✓, Talarico ✓.

Absent : Councilman .

The invocation was given by Reverend Jon Carlstrom, Assistant Pastor of the First Baptist Church.

Received report from the City Controller for the month of July, 197 2.

Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last regular August 8, 197 2 session having been
delivered to the Council, were, on motion, approved as published.

MADE A MATTER OF RECORD
DATE 8-22-72 CHARLES W. WESTERMAN, CITY CLERK

CLERK-TREASURER'S, CITY CONTROLLER'S AND CITY TREASURER'S MONTHLY FINA

MONTH OF JULY 1972

Prescribed by State Board of Accounts

FUNDS	TOTAL JAN. 1 BALANCE AND RECEIPTS TO DATE	RECEIPTS FOR MONTH 2	TOTAL BALANCE AND RECEIPTS 3	DISBURSED TO DATE 4	DISBURSED FOR MONTH 5	DISBURSED FOR MONTH 6
GENERAL FUND	10307,807.94	15,455.18	10323,263.12	8691,975.01	975,028.33	966,000.00
HUMANE TRUST	9,999.66	402.00	10,401.66	1,560.00	180.00	
AVIATION	384,625.90	58,903.54	443,529.44	278,486.43	58,025.96	33,000.00
PARK - GENERAL	2210,849.49	92,786.84	2303,636.33	1650,379.73	306,074.96	196,000.00
PARK - TRUST	200,382.82	4,122.67	204,505.49	10,483.53	6,263.51	10,000.00
PARK-CUMULATIVE BUILDING	476,930.85	-0-	476,930.85	215,000.00	98,095.00	31,000.00
REDEVELOPMENT GENERAL	170,022.96	-0-	170,022.96	38,435.13	9,744.75	4,000.00
REDEVELOPMENT DISTRICT CAPITAL	487,363.12	125.00	487,488.12	2,400.00	1,050.00	
CENTRAL CITY CODE ENFORCEMENT	25,973.44	-0-	25,973.44	7,864.85	-0-	
CENTRAL CITY PARK LAND	12,380.60	-0-	12,380.60	3,677.00	-0-	
MOTOR VEHICLE HIGHWAY	938,066.73	142,395.57	1080,462.30	808,527.01	117,567.08	92,000.00
PARKING METERS	315,850.26	8,319.12	324,169.38	257,627.13	10,772.05	26,000.00
SEWER RELIEF	1342,847.09	-0-	1342,847.09	620,416.41	96,078.66	71,000.00
FLOOD PREVENTION & RIVER IMPROVEMENT	112,753.79	-0-	112,753.79	69,920.86	1,764.36	7,000.00
PARKING GARAGE	50,371.65	6,444.34	56,815.99	45,018.13	3,202.51	48,000.00
PUBLIC LIGHTING	71,021.31	-0-	71,021.31	41,490.41	23,590.06	6,000.00
EXPRESSWAY	160,954.57	-0-	160,954.57	158,601.47	-0-	15,000.00
ST.MARY'S RIVER IMPOUNDING	491,792.44	-0-	491,792.44	240,000.00	-0-	24,000.00
LOCAL ROAD & STREET ACCOUNT	683,449.60	-0-	683,449.60	318,768.93	400.16	31,000.00
OMNIBUS CRIME CONTROL	116,132.08	10,043.75	126,175.83	81,907.58	7,369.22	8,000.00
FIRE PENSION	664,242.86	6,517.77	670,760.63	462,384.53	70,281.33	53,000.00
POLICE PENSION	661,374.49	6,858.42	668,232.91	557,922.90	72,128.92	62,000.00
SANITARY OFFICER'S PENSION	88,023.13	386.07	88,409.20	48,091.68	2,993.53	5,000.00
FORT WAYNE ART INSTITUTE	16,669.75	-0-	16,669.75	16,585.54	-0-	1,000.00
CUMULATIVE CAPITAL IMPROVEMENT	1180,327.70	128.90	1180,456.60	863,838.48	281,353.08	114,000.00
CITY-COUNTY BUILDING	61,123.17	-0-	61,123.17	24,327.71	1,841.34	2,000.00
EMERGENCY EMPLOYMENT ACT (E.E.A.)	254,046.41	80,000.00	334,046.41	245,892.13	58,608.01	30,000.00
PAYROLL	5644,678.68	998,600.03	6643,278.71	5639,835.37	905,435.38	660,000.00
R-51 FORT WAYNE NAT'L	15,452.70	-0-	15,452.70	10,721.51	1,226.75	1,000.00
R-51 DEPOSIT HELD ACCT-F.T.WAYNE BANK	7,692.37	-0-	7,692.37	-0-	-0-	
R-51 ANTHONY WAYNE BANK	138,902.58	-0-	138,902.58	138,902.58	-0-	13,000.00
R-52 LINCOLN NAT'L. BANK	170,028.74	-0-	170,028.74	98,498.70	2,592.00	10,000.00
R-52 DEPOSIT HELD-LINCOLN NAT'L.	182,650.32	-0-	182,650.32	150,000.00	30,000.00	18,000.00
TOTALS						
ADJUSTMENTS (explain fully)						
BALANCE (Col. 7 must agree with Col. 8)						

CLERK-TREASURER'S, CITY CONTROLLER'S AND CITY TREASURER'S MONTHLY FINANCIAL STATEMENT

MONTH OF JULY 1972

Presented by State Board of Accounts

FUNDS	TOTAL JAN. 1 BALANCE AND RECEIPTS TO DATE 1	RECEIPTS FOR MONTH 2	TOTAL BALANCE AND RECEIPTS 3	DISBURSED TO DATE 4	DISBURSED FOR MONTH 5	TOTAL DISBURSED 6
R-52A ANTHONY WAYNE BANK	19,540.20	-0-	19,540.20	19,540.20	-0-	19,540.20
R-53 REVOLVING	70,738.27	9,744.75	80,483.02	61,941.31	7,600.64	69,840.67
ELECTRIC	6986,404.16	1488,896.75	8475,300.91	6437,505.75	1647,789.06	8085,094.81
WATER	6538,702.84	1361,832.68	7900,535.52	5815,682.73	1884,084.15	7699,616.88
SEWER	6889,049.98	2062,886.59	8951,936.57	6635,753.91	1789,481.10	8425,235.01
WATERWORKS CONSTRUCTION PHASE 11	453,234.78	151,103.01	604,337.79	451,242.25	150,000.00	601,242.25
MUNICIPAL UTILITIES PENSION	67,720.51	9,321.71	77,042.22	58,499.68	9,788.38	68,288.06
CRIME CONTROL-POLICE LEGAL ADVISOR	7,673.02	-0-	7,673.02	7,211.51	1,153.84	8,365.36
ACCIDENT REPORT ACCOUNT	28,865.00	1,483.00	30,348.00	6,892.51	483.17	29,835.17
SEWAGE WORKS CONSTRUCTION	1000,857.64	-0-	1000,857.64	912,417.15	-0-	912,417.15
INNER CITY STORM RELIEF PLAN	1354,227.50	-0-	1354,227.50	1324,402.08	250.00	1324,652.08
FIRE REPORT ACCOUNT	117.96	14.00	131.96	-0-	-0-	131.96
C. R. P. 89	48,000.00	-0-	48,000.00	22,491.51	1,844.40	24,335.91
PAYROLL PENSION FUNDS	711,367.21	145,282.78	856,649.99	711,367.21	145,282.78	856,649.99
IPA - 93	8,384.11	2,750.00	11,134.11	6,195.57	2,408.77	8,604.34
CAMP - 94	10,629.00	9,014.77	19,643.77	5,053.87	1,994.00	7,047.87
RSP - 95	-0-	15,000.00	15,000.00	-0-	7,478.34	7,478.34
CHANGE	500.00	-0-	500.00	-0-	-0-	500.00
TOTALS	51,850,801.38	66,888,819.24	58,539,620.62	44,353,737.98	8,849,105.78	57,384,843.76
ADJUSTMENTS (explain fully)						
BALANCE (Col. 7 must agree with Col. 8)						



THE CITY OF FORT WAYNE

office of the mayor

COMMUNICATION FROM THE MAYOR

August 8, 1972
To the Common Council
Fort Wayne, Indiana

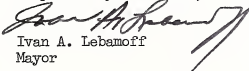
Gentlemen and Mrs. Schmidt:

Today, August 8, 1972, I have approved the following ordinance passed by the Common Council at its regular meeting on August 8, 1972.

(Bill No. R-72-08-10)
RESOLUTION NO. R-34-72

RESOLUTION approving application of City of Fort Wayne for recertification of Workable Program for Community Improvement for the next two years.

Respectfully submitted,


Ivan A. Lebamoff
Mayor

MADE A MATTER OF RECORD
DATE 8/28/72 CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

office of the mayor

COMMUNICATION FROM THE MAYOR

August 9, 1972
To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, August 9, 1972, I have approved the following ordinance passed by the Common Council at its regular meeting on August 8, 1972.

(Bill No. A-72-07-01)
APPROPRIATION ORDINANCE NO. A-06-72,

AN ORDINANCE transferring certain funds within the 1972 Budget of the Metropolitan Human Relations Commission.

(Bill No. A-72-08-02)
APPROPRIATION ORDINANCE NO. A-07-72

AN APPROPRIATION ORDINANCE providing authorization for the transfer of certain funds from the Aviation Fund of the City of Fort Wayne to specified accounts in the 1972 budget of the Board of Aviation Commissioners.

(Bill No. S-72-07-03)
SPECIAL ORDINANCE NO. S-63-72

AN ORDINANCE approving a contract with GENERAL TELEPHONE COMPANY OF INDIANA for payment of damages to underground telephone cable by Water and Light Construction Departments.

(Bill No. R-72-08-11)
RESOLUTION NO. R-36-72

RESOLUTION authorizing payment for repair of Planter at 2500 Maple Place.

(Bill No. R-72-08-12)
RESOLUTION NO. R-35-72

RESOLUTION providing authorization for the transfer of certain funds in the City Controller Budget.

MADE A MATTER OF RECORD
DATE 8/14/72 BY CHARLES W. WESTERMAN, CITY CLERK

(Bill No. A-72-08-15)
APPROPRIATION ORDINANCE NO. A-08-72

AN APPROPRIATION ORDINANCE providing authorization for the transfer of certain funds from the Aviation Fund of the City of Fort Wayne to specified accounts in the 1972 budget of the Board of Aviation Commissioners for the purpose of defraying expenses incurred in the administration of an airport user charge for the remainder of 1972.

(Bill No. S-72-07-07)
SPECIAL ORDINANCE NO. S-64-72

AN ORDINANCE approving a certain bid document with Motorola Communications & Electronics Inc. for (1) Automatic Paging System.

(Bill No. S-72-07-04)
SPECIAL ORDINANCE NO. S-67-72

AN ORDINANCE approving a contract with SANITARY HYDRAULICS, INC. for one (1) Sewer Jet Machine for the Water Pollution Control Maintenance Department.

(Bill No. S-72-07-05)
SPECIAL ORDINANCE NO. S-66-72

AN ORDINANCE approving contracts with BAUER BROTHERS COMPANY, REX CHAINBELT, INC. and SWECO, INC. for furnishing Screening Units.

(Bill No. S-72-07-06)
SPECIAL ORDINANCE NO. S-65-72

AN ORDINANCE approving a contract with INTERNATIONAL HARVESTER COMPANY for two (2) 1972 Tandem Cab and Chassis GVV for Water Construction.

(Bill No. S-72-08-16)
SPECIAL ORDINANCE NO. S-62-72

AN ORDINANCE approving a contract with JOHN DEHNER, INC. for Sewer Resolution No. 264-1972.

Respectfully submitted,


Ivan A. Lebamoff
Mayor



THE CITY OF FORT WAYNE

office of city plan commission

August 18, 1972

COMMUNICATION FROM CITY PLAN COMMISSION

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

At the regular meeting of the Common Council held May 23, 1972, a proposed ordinance amending Sections 3, 6, and 14 of the Zoning Ordinance of the City of Fort Wayne, Indiana, pertaining to Service Station Uses and abandoned Service Station Buildings, was introduced and referred to the City Plan Commission for study and recommendation. Such proposed ordinance was designated as Bill No. G-72-05-29.

Transmitted herewith is the report of the City Plan Commission as adopted at its regular meeting held July 24, 1972.

It is the recommendation of this Commission that the proposed ordinance, as amended, does meet the criteria for adoption and that the ordinance be returned to the Common Council with the recommendation that it DO PASS as amended.

Respectfully Submitted,

CITY PLAN COMMISSION

Certified and signed this
18th day of August 1972

George Roser
Secretary

MADE A MATTER OF RECORD
DATE 8/24/72 BY CHARLES W. WESTERMAN, CITY CLERK

RESOLUTION OF ZONING ORDINANCE TEXT AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 23, 1972, referred a proposed zoning text amendment to the City Plan Commission which proposed ordinance was designated as Bill No. G-72-05-29; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

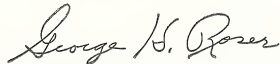
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 26, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS as amended (see attached amendments) for the reasons that a need has been shown for the Text of the Zoning Ordinance to be amended, and the amendment will be in the best interest of and benefit to the City of Fort Wayne;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 24, 1972.

Certified and signed this
18th day of August 1972



George Roser
Secretary



THE CITY OF FORT WAYNE

office of city plan commission

August 18, 1972

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto are the recommendations of the City Plan Commission on two (2) ordinances concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinances are designated as:

Bill No. Z-72-04-24

Bill No. Z-72-04-25

Respectfully submitted

CITY PLAN COMMISSION

Certified and signed this
18th day of August 1972

George Roser
Secretary

FILED IN WATER OF RECORD
DATE 8/27/72 BY CHARLES W. WESTERMAN, CITY CLERK

CITY PLAN COMMISSION
City-County Building
One Main Street
Fort Wayne, Indiana

August 18, 1972

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto are copies of resolutions pertaining to two (2) zoning ordinance amendments acted upon by the City Plan Commission at their regular meeting held May 22, 1972. In addition to the reasons outlined in the resolutions, the following are additional remarks pertaining to the ordinances involved.

1. Bill No. Z-72-04-24

- a. Intended Use: Extend commercial zoning in area
- b. Plan Commission recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

- (1) This would be a logical change since the properties involved are completely encompassed by commercial uses.

2. Bill No. Z-72-04-25

- a. Intended Use: Extension of the "M1" zoning to the east and south to be used for office and storage space
- b. Plan Commission recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reasons:

- (1) This would be a logical extension of an existing district and would not constitute spot zoning.
- (2) This use would also be compatible with the light industrial uses along Wells Street in this area.

MEMBERS OF THE COMMON COUNCIL

-2-

August 18, 1972

If there are any questions with regard to these ordinances, please feel free to call on us.

Respectfully submitted

CITY PLAN COMMISSION

William J. Jones (ph)

William J. Jones
Director of Planning

WJJ:pr
Att.

CC: Mayor Ivan Lebamoff

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 25, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-04-24; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

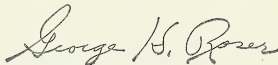
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 15, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

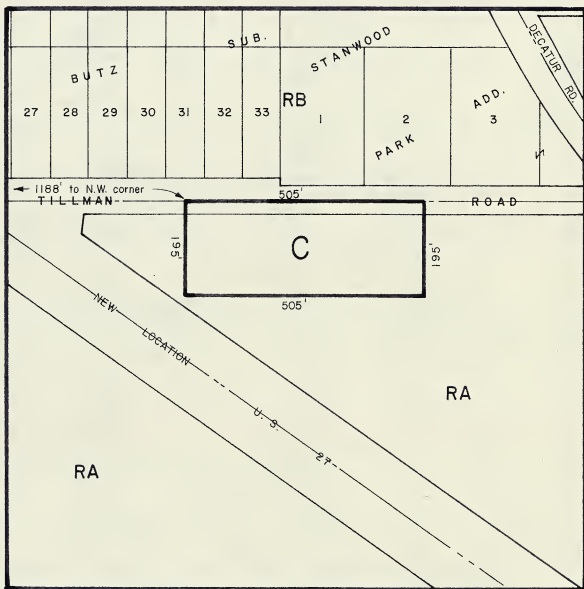
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 22, 1972.

Certified and signed this
18th day of August, 1970.



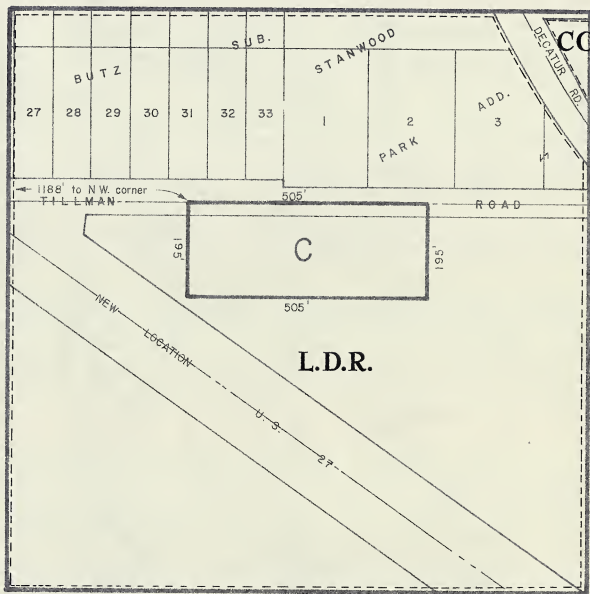
George Roser
Secretary



C - CHANGE FROM RA TO BIB

2. 7204-24





PROPOSED LAND USE MAP

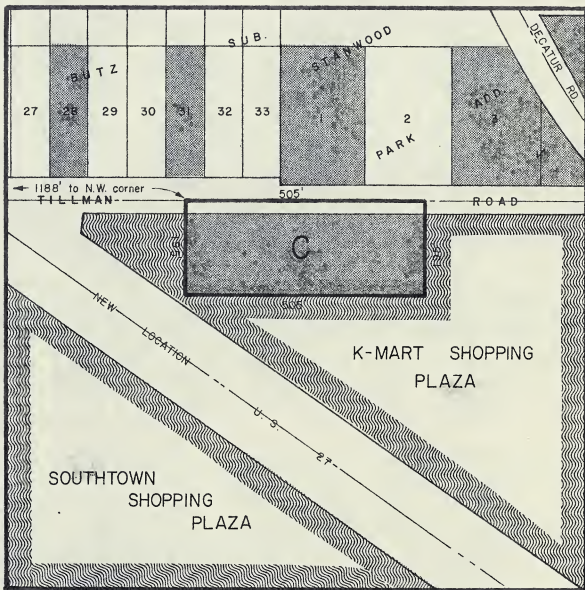
2-72 04-24

----- LAND USE AREA

L.D.R. - LOW DENSITY RESIDENTIAL

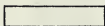
COMM. - COMMERCIAL

N



EXISTING LAND USE MAP

2-72-04-24



VACANT LAND



LOW DENSITY RESIDENTIAL



COMMERCIAL

N

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 25, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-04-25; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

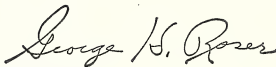
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 15, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

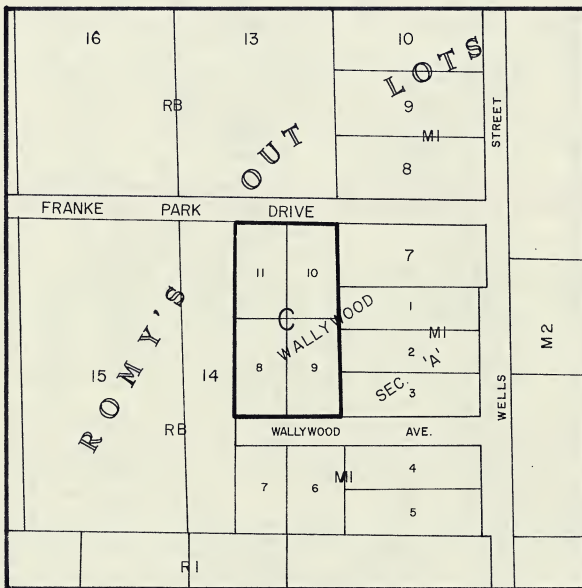
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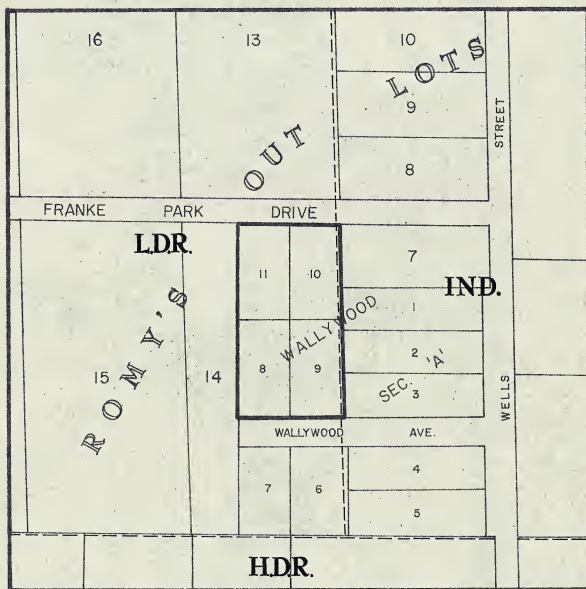


George Roser
Secretary



'C' CHANGE FROM RB TO M-1

Z-72-04-25



PROPOSED LAND USE MAP

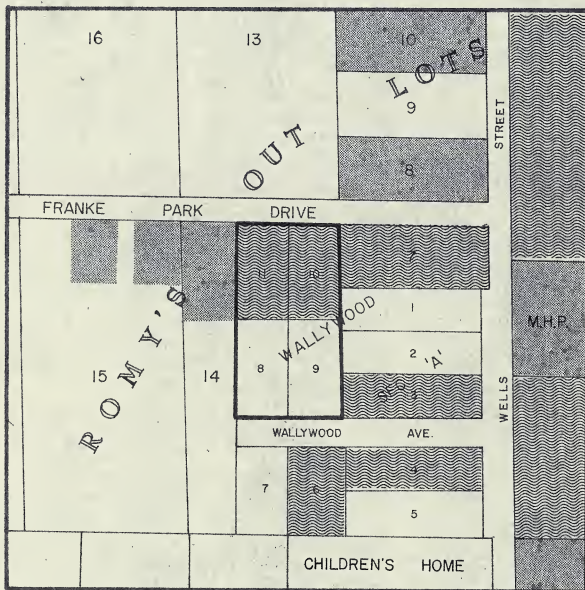
2-72-04-25

----- - LAND USE AREA

LDR. - LOW DENSITY RESIDENTIAL

HDR. - HIGH DENSITY RESIDENTIAL

IND. - INDUSTRIAL



EXISTING LAND USE MAP

2-72-04-25



VACANT LAND



LOW DENSITY RESIDENTIAL



COMMERCIAL

N

NOTICE OF SPECIAL MEETING

We, the undersigned, being five or more members of the Common Council of the City of Fort Wayne, Indiana, do hereby give notice of a Special Meeting to be held at 7:30 A.M., E.S.T., on Monday, August 28, 1972, in the Council Chambers for the purpose of considering and acting upon the adoption of the following ordinances:

- (1) AN ORDINANCE fixing the tax levy for the City of Fort Wayne for the year 1973.
- (2) AN ORDINANCE appropriating money for the purpose of defraying the expenses of the several departments of the City government of the City of Fort Wayne, Indiana, for the fiscal year beginning January 1, 1973, and ending December 31, 1973, including all outstanding claims and obligations and fixing a time when the same shall take effect.

Dated this August 22, 1972

Paul "Mike" Burns

William T. Kings

Eugene Kraus, Jr.

Winfield C. Moses, Jr.

John Nichols

Donald J. Schmidt

Vivian G. Schmidt

James S. Stier

Samuel J. Talarico

Paul M. Burns

Eugene Kraus, Jr.

Winfield C. Moses, Jr.

John Nichols

Donald J. Schmidt

Vivian G. Schmidt

James S. Stier

Samuel J. Talarico


DATE _____ MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 22nd day of August, 19 72; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 22nd day of August, 19 72.


Charles W. Westerman
City Clerk

SEAL

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, AUGUST 22, 1972

CITY OF FORT WAYNE, INDIANA
Journal of the Proceedings
of the Common Council

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening August 22, 1972, in Regular Session. President John Nuckols in the chair, and Charles W. Westerman, Clerk, at the desk, present the following members Eight viz:

Burns, Kraus, Hinga, Nuckols, Moses, D. Schmidt, Stier, Talarico

Absent: One

V. Schmidt

The invocation was given by Reverend Jon Carlstrom, Assistant Pastor of the First Baptist Church.

Received report from the City Controller for the month of July, 1972. Motion was made and carried that report be made a matter of record and placed on file.

The minutes of the last regular August 8, 1972, session having been delivered to the Council, were, on motion, approved as published.

COMMUNICATION FROM THE MAYOR

August 8, 1972
To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, August 8, 1972, I have approved the following ordinance passed by the Common Council at its regular meeting on August 8, 1972.

(Bill No. R-72-08-10)
RESOLUTION NO. R-34-72

RESOLUTION approving application of City of Fort Wayne for recertification of Workable Program for Community Improvement for the next two years.

Respectfully submitted,

Ivan A. Lebamoff
Mayor

Made a matter of record 8-22-72

Charles W. Westerman
City Clerk

COMMUNICATION FROM THE MAYOR

August 9, 1972
To the Common Council
Fort Wayne, Indiana

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AN ORDINANCE transferring certain funds within the 1972 Budget of the Metropolitan Human Relations Commission.

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AN ORDINANCE approving a contract with GENERAL TELEPHONE COMPANY OF INDIANA for payment of damages to underground telephone cable by Water and Light Construction Departments.

(Bill No. R-72-08-11)
RESOLUTION NO. R-36-72

RESOLUTION authorizing payment for repair of Planter at 2500 Maple Place.

(Bill No. R-72-08-12)
RESOLUTION NO. R-35-72

RESOLUTION providing authorization for the transfer of certain funds in the City Controller Budget.

(Bill No. A-72-08-15)
APPROPRIATION ORDINANCE NO. A-08-72

AN APPROPRIATION ORDINANCE providing authorization for the transfer of certain funds from the Aviation Fund of the City of Fort Wayne to specified accounts in the 1972 budget of the Board of Aviation Commissioners for the purpose of defraying expenses incurred in the administration of an airport user charge for the remainder of 1972.

(Bill No. S-72-07-07)
SPECIAL ORDINANCE NO. S-64-72

AN ORDINANCE approving a certain bid document with Motorola Communications & Electronics Inc. for (1) Automatic Paging System.

(Bill No. S-72-07-04)
SPECIAL ORDINANCE NO. S-67-72

AN ORDINANCE approving a contract with SANITARY HYDRAULICS, INC. for one (1) Sewer Jet Machine for the Water Pollution Control Maintenance Department.

(Bill No. S-72-07-05)
SPECIAL ORDINANCE NO. S-66-72

AN ORDINANCE approving contracts with BAUER BROTHERS COMPANY, REX CHAINBELT, INC. and SWECO, INC. for furnishing Screening Units.

(Bill No. S-72-07-06)
SPECIAL ORDINANCE NO. S-65-72

AN ORDINANCE approving a contract with INTERNATIONAL HARVESTER COMPANY for two (2) 1972 Tandem Cab and Chassis Gvw for Water Construction.

(Bill No. S-72-08-16)
SPECIAL ORDINANCE NO. S-62-72

AN ORDINANCE approving a contract with JOHN DEHNER, INC. for Sewer Resolution No. 264-1972.

Respectfully submitted,

Ivan A. Lebamoff
Mayor

Made a matter of record 8-22-72

Charles W. Westerman
City Clerk

COMMUNICATION FROM CITY PLAN COMMISSION

August 18, 1972
Members of the Common Council
City-County Building
One Main Street

Gentlemen and Mrs. Schmidt:

At the regular meeting of the Common Council held May 23, 1972, a proposed ordinance amending Sections 3, 6, and 14 of the Zoning Ordinance of the City of Fort Wayne, Indiana, pertaining to Service Station Uses and abandoned Service Station Buildings, was introduced and referred to the City Plan Commission for study and recommendation. Such proposed ordinance was designated as Bill No. G-72-05-29.

Transmitted herewith is the report of the City Plan Commission as adopted at its regular meeting held July 24, 1972.

It is the recommendation of this Commission that the proposed ordinance, as amended, does meet the criteria for adoption and that the ordinance be returned to the Common Council with the recommendation that it DO PASS as amended.

Respectfully Submitted,

CITY PLAN COMMISSION

Certified and signed this
18th day of August 1972

George Roser
Secretary

Made a matter of record 8-22-72

Charles W. Westerman
City Clerk

RESOLUTION OF ZONING ORDINANCE TEXT AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 23, 1972, referred a proposed zoning text amendment to the City Plan Commission which proposed ordinance was designated as Bill No. G-72-05-29; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 26, 1972;

NOW THEREFORE, BE IT RESOLVED that the City plan Commission does hereby recommend that such proposed ordinance DO PASS as amended (see attached amendments) for the reasons that a need has been shown for the Text of the Zoning Ordinance to be amended, and the amendment will be in the best interest of and benefit to the City of Fort Wayne;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 24, 1972.

Certified and signed this
18th day of August 1972.

George Roser
Secretary

August 18, 1972

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto are the recommendations of the City Plan Commission on two (2) ordinances concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinances are designated as:

Bill No. Z-72-04-24
Bill No. Z-72-04-25

Respectfully submitted

City Plan Commission

Certified and signed this
18th day of August 1972

George Roser
Secretary

Made a matter of record 8-22-72

Charles W. Westerman
City Clerk

CITY PLAN COMMISSION
City-County Building
One Main Street
Fort Wayne, Indiana

August 18, 1972

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto are copies of resolutions pertaining to two (2) zoning ordinance amendments acted upon by the City Plan Commission at their regular meeting held May 22, 1972. In addition to the reasons outlined in the resolutions, the following are additional remarks pertaining to the ordinances involved.

1. Bill No. Z-72-04-24

- a. Intended Use: Extend commercial zoning in area
- b. Plan Commission recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

- (1) This would be a logical change since the properties involved are completely encompassed by commercial uses.

2. Bill No. Z-72-04-25

- a. Intended Use: Extension of the MI zoning to the east and south to be used for office and storage space
- b. Plan Commission recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reasons:

- (1) This would be a logical extension of an existing district and would not constitute spot zoning.
- (2) This use would also be compatible with the light industrial uses along Wells Street in this area.

MEMBERS OF THE COMMON COUNCIL

August 18, 1972

If there are any questions with regard to these ordinances, please feel free to call on us.

Respectfully submitted

WJJ: pr

City Plan Commission

Att:

GC: Mayor Ivan Lebamoff

William J. Jones

Director of Planning

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 25, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-04-24; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 15, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 22, 1972.

Certified and signed this
18th day of August, 1972

George Roser
Secretary

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 25, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-04-25; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 15, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 22, 1972.

Certified and signed this
18th day of August, 1972.

George Roser
Secretary

NOTICE OF SPECIAL MEETING

We, the undersigned, being five or more members of the Common Council of the City of Fort Wayne, Indiana, do hereby give notice of a Special Meeting to be held at 7:30 P.M., E.S.T., on Monday, August 28, 1972, in the Council Chambers for the purpose of considering and acting upon the adoption of the following ordinances:

- (1) AN ORDINANCE fixing the tax levy for the City of Fort Wayne for the year 1973.
- (2) AN ORDINANCE appropriating money for the purpose of defraying the expenses of the several departments of the City government of the City of Fort Wayne, Indiana, for the fiscal year beginning January 1, 1973, and ending December 31, 1973, including all outstanding claims and obligations and fixing a time when the same shall take effect.

Dated this day August 22, 1972

Paul "Mike" Burns
William T. Hinga
Eugene Kraus, Jr.
Winfield C. Moses, Jr.

John Nuckols
Donald J. Schmidt
Vivian G. Schmidt
James S. Stier
Samuel J. Talarico
Charles W. Westerman
City Clerk

Made a matter of record 8-22-72

BILL NO. S-72-08-17

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving an Agreement with BERCOT, INC. for installation of a water main on Cook Road in connection with Water Contract 7211.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Agreement approved August 11, 1972, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and BERCOT, INC. for installation of a water main, to be constructed and installed as follows:

Installation of 1445± feet of 16 inch and 80± feet of 4 inch ductile iron pipe to connect with the existing 16 inch water main on the Cook Road to serve the proposed Northrop Bus Garage, also on the Cook Road from the existing main eastward a distance of 260± feet, all as shown on Fort Wayne Water Utility, Engineering Department Drawing Y-10438, Sheets 1& 2, and do every thing required by the Contract documents and this agreement.

for a total cost of \$22,983.10, all as more particularly set forth in said Agreement, which is on file in the Office of the Board of Public Works, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on City Utilities.

Date: 8-22-72

Charles W. Westerman
City Clerk

BILL NO. S-72-08-18

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving a contract with SHAMBAUGH & SON, INC. for construction of the Interim Phosphorous Removal System

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The contract approved the 11th day of August, 1972 between the City of Fort Wayne, by and through its Board of Public Works, and SHAMBAUGH & SON, INC., for:

Construction of the Interim Phosphorous
Removal System at the Water Pollution
Control Plant

for a total cost of \$48,457.00, all as more particularly set forth in said contract, which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Winfield C. Moses, Jr.
Councilman

Read the first time in full and on motion by Moses seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Public Works.

Date: 8-22-72

Charles W. Westerman
City Clerk

BILL NO. S-72-08-19

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving a certain bid document with Allen County Tractor Sales, Inc. for (2) Utility Tractors with trade-in.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Ref. No. 471 dated August 17, 1972 between the City of Fort Wayne, by and through its Mayor and the Board of Park Commissioners, and Allen County Tractor Sales, Inc., for

ITEM 1

1 - Utility Tractor with trade-in \$4,132.05

ITEM 2

1 - Utility Tractor with trade-in \$2,528.12

Optional Diesel Engine if requested add \$ 276.00

as more specifically set forth in bid document Ref. No. 471 and Purchase Order No. 3-09505, which are on file in the office of the Department of Purchasing, and are by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga seconded by Kraus and duly adopted, read the second time by title and referred to the Committee on Finance.

Date: 8-22-72

Charles W. Westerman
City Clerk

BILL NO. S-72-08-20

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving a certain bid document with Vermeer of Indiana for (1) 1972 Stumper.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Ref. No. 467 dated August 4, 1972 between the City of Fort Wayne, by and through its Mayor and the Board of Park Commissioners, and Vermeer of Indiana, for

(1) 1972 Stumper	\$7,710.00
Less Trade-ins:	<u>1,310.00</u>
Net Price:	\$6,400.00

as more specifically set forth in said bid document Ref. No. 467 and Purchase Order No. 3-09306, which are on file in the office of the Department of Purchasing, and are by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Winfield C. Moses, Jr.
Councilman

Read the first time in full and on motion by Moses seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Public Works.

Date: 8-22-72

Charles W. Westerman
City Clerk

BILL NO. S-72-08-21

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving a certain bid document with General Electric Company for transceivers, Charge rack units and rechargeable batteries.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Ref. No. 465 dated August 8, 1972 between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety, Communications Department, and General Electric Company, for

- 30 - "2 watt" 4 frequency (4 transmit-receive),
tone squelch personal portable transceivers
G.E. Type PE-56-KFU-66 with leather case,
strap, and stub antenna. \$798.00/each \$23,940.00
- or G.E. Type Type PE-56-KFU-66 with belt clip
and stub antenna. \$787.00/each \$23,610.00
- 60 - Charge rack units in multiple configuration,
(6) G.E. Type 4445 10-unit chargers.
\$187.50/each \$1,125.00
- 60 - Rechargeable batteries for same.
G.E. Type 4421 \$ 37.50/each @2,250.00

as more specifically set forth in said bid document Ref. No. 465 and Purchase Order No. 3-0908, which are on file in the office of the Department of Purchasing, and are by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and motion by Burns seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on City Utilities.

Date: 8-22-72

Charles W. Westerman
City Clerk

BILL NO. Z-72-08-23

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. E-11.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B1B District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. E - 11 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Part of the Southeast Quarter of Section 30, Township 31 North, Range 13 East, Allen County, Indiana, in particular described as follows to-wit:

Commencing on the North line of said Quarter Section as defined by the centerline of the public road known as the Trier Road at a point situated 347.0 feet Westerly of the East Quarter corner of said Section; thence Southerly on a line parallel to the East line of said Quarter Section, a distance of 316.0 feet; thence Northwesterly by a deflection right of 99 degrees 35 minutes, a distance of 97.8 feet; thence continuing Northwesterly be a deflection right of 67 degrees 55 minutes, a distance of 91.2 feet; thence continuing Northwesterly be a deflection left of 62 degrees 01 minutes, a distance of 98.0 feet; thence Southwesterly by a deflection left of 38 degrees 09 minutes, a distance of 57.3 feet; thence Northwesterly by a deflection right of 53 degrees 51 minutes, a distance of 165.1 feet; thence continuing Northwesterly by a deflection right of 20 degrees 57 minutes, a distance of 161.76 feet to the centerline of said Trier Road; thence Easterly on the line aforesaid by a deflection right of 128 degrees 17 minutes, a distance of 494.57 feet, more or less, to the point of beginning; containing 2.10 acres, more or less;

SUBJECT TO a public road upon and over the North 40 feet thereof as required by the Fort Wayne City Plan Commission.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Eugene Kraus, Jr.
Councilman

Read the first time in full and motion by Kraus seconded by Stier and duly adopted, read the second time by title and referred to the Committee on Regulations, and to the City Plan Commission for recommendation.

Date: 8-22-72

Charles W. Westerman
City Clerk

BILL NO. Z-72-08-24

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. CC - 13.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated B1A District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. CC - 13 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

As recorded by Deed Book 716 Page 536 - The
North 260.5 feet of the South 521 feet of the
West 689.5 feet to the North East $\frac{1}{4}$ of Section
27, Township 31 North, Range 12 East, containing
4 acres, more or less, except parts sold off by
Deed Record 590, page 52, and by instrument
number 71-12598.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval be the Mayor and legal publication thereof.

Eugene Kraus, Jr.
Councilman

Read the first time in full and on motion by Kraus seconded by Stier and duly adopted, read the second time by title and referred to the Committee on Regulations, and to the City Plan Commission for recommendation.

Date: 8-22-72

Charles W. Westerman
City Clerk

BILL NO. Z-72-08-25

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. AA - 6.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-2 District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. AA - 6 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Lots 11 and 12 in Branning Homestead Add. Plat
Book # 10, Page # 29.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Eugene Kraus, Jr.
Councilman

Read the first time in full and on motion by Kraus seconded by Stier and duly adopted, read the second time by title and referred to the Committee on Regulations and to the City Plan Commission for recommendation.

Date: 8-22-72

Charles W. Westerman
City Clerk

BILL NO. G-72-08-22

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE Repealing Certain Annexation
Ordinances.

WHEREAS, the City of Fort Wayne, Indiana has adopted ordinances looking to the annexation of certain territories; and

WHEREAS, many such ordinances have been the subject of remonstrances and are presently before the courts in various stages of litigation; and

WHEREAS, the conditions have developed since the adoption of some of said ordinances it has become unlikely said City will be financially able to provide municipal service to the respective territories covered by said ordinances; and

WHEREAS, as conditions have developed since the adoption of some of said ordinances the lines of the respective annexations no longer form a compact area abutting the municipality; and

WHEREAS, the remonstrances filed to some of said ordinances have been sustained in the courts; and

WHEREAS, as conditions have developed, it would facilitate the annexation of some of the territories covered by said ordinances so that any legal proceedings would be governed by the annexation statutes most recently enacted by the General Assembly of Indiana:

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The following ordinances and each of them are hereby repealed:

X 11-68	(Covering Southwick)
X 03-68	(Covering Glenwood Park)
X 04-48	(Covering Bullerman Park)
X 04-65	(Covering Ranchwood)
X 08-68	(Covering Tamarack)
X 25-68	(Covering Royal Oaks)
X 10-68	(Covering Medical Protective)
X 17-68	(Covering Sunny Meadows)
X 18-68	(Covering Concordia Gardens)
X 109-68	(Covering FOP)

SECTION 2. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Annexation.

Date: 8-22-72

Charles W. Westerman
City Clerk

BILL NO. G-72-08-26

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE providing for the declaration of nuisances in the case of abandoned, damaged buildings and vacant lots in the Central Business District and providing for abatement of the same.

WHEREAS, the Central Business District of the City of Fort Wayne, Indiana consists of the area bounded on the north by Superior Street, on the east by Clay Street, on the south by the Penn Central Railroad embankment and on the west by Fairfield Avenue; and

WHEREAS, many properties in said Central Business District are deteriorating, some of them to the point where they have been abandoned for business purposes; other buildings have been abandoned even though still structurally sound; other buildings have been damaged or destroyed as a result of fire and neither repaired nor rebuilt; and

WHEREAS, the aforesaid conditions have created a physical and psychological blight which feeds on itself, becoming increasingly more severe and which is causing a deterioration in the value of properties throughout said Central Business District, with a resulting reduction in the assessed value of property for tax purposes and a decline in the number of people who visit said Central Business; and,

WHEREAS, the existence of abandoned and damaged buildings in large numbers

in said Central Business District creates a haven for drug addicts, sexual perverts, thieves and derelicts; it creates a fire hazard; and, together with the existence of excavations where buildings formerly stood; it creates a danger to the safety of pedestrians and motorists; and

WHEREAS, unless checked, the aforesaid blight will eventually spread throughout said Central Business District, causing the removal from the tax rolls of properties which have in the past produced, and which continue to produce, substantial sums of tax revenue for the City of Fort Wayne and causing the said Central Business District to cease functioning as a business district which in turn would cause economic, social and cultural loss to the people of the City of Fort Wayne;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Central Business District of the City of Fort Wayne, Indiana is hereby defined as being that area bounded on the north by Superior Street, on the east by Clay Street, on the south by the Penn Central Railroad embankment and on the west by Fairfield Avenue.

SECTION 2. Any building, and any premises which become vacant of any building but which had formerly been occupied by a building or buildings and which buildings, or which premises are situated in the aforesaid Central Business District, is hereby declared to be a nuisance, if any of the following conditions obtain:

- a) Such building has been damaged by fire or other casualty to such an extent that, following such fire, or other casualty, it ceased to be occupied and such building has remained unoccupied (except as it may have been occupied by persons seeking shelter on a day to day basis) for a period of two years from the date of said fire, or other casualty;
- b) Such building has been unoccupied (except as it may have been occupied by persons seeking shelter on a day to day basis) for a period of three years;
- c) Such premises remained vacant of any building for two years from the date they became vacant;
- d) Provided, however, that no such building or premises shall not be considered a nuisance if, the owner shall have obtained the necessary permits for the repair and/or attention of any existing structure which has been unoccupied because of damage for the demolition of any existing building and its replacement with a new building, or for the construction of a building upon any vacant premises.

SECTION 3. In the event any building or premises shall become a nuisance as herein provided, the Board of Public Works of the City of Fort Wayne, Indiana shall advise the Fort Wayne Redevelopment Commission of such fact and such Commission shall have 30 days within which to determine whether it will acquire title to the real estate in question pursuant to the provisions of the Redevelopment of Cities and Towns Act of 1953. In the event the Fort Wayne Redevelopment Commission shall determine to acquire title, it shall immediately notify the Board of Public Works of such determination.

SECTION 4. In the event the Fort Wayne Redevelopment Commission shall not have notified the Board of Public Works of the City of Fort Wayne, Indiana of a determination to acquire title to the real estate in question within 30 days from the day said Board of Public Works advised said Commission of the existence of a nuisance on said real estate, said Board of Public Works shall notify the owner of said estate of the existence of a nuisance on said real estate and shall further notify the owner that the owner must take steps to abate the nuisance within 60 days from the date of receipt of the notice and that, if the owner fails to do so, said Board of Public Works shall itself abate the nuisance within 60 days from the date of receipt of the notice and that, if the owner fails to do so, said Board of Public Works shall itself abate the nuisance and hold a lien against the real estate for the cost involved.

SECTION 5. Such notice shall be sent by registered or certified mail return receipt requested, to the address tax duplicates for said real estate are sent. In the event the owner is not at said address and the postal authorities are not apprised of a new address, the Board of Public Works shall take reasonable measures to locate the owner, including examination of the Fort Wayne city and suburban directories, that may seem appropriate and inquiry in the neighborhood. Said Board of Public Works shall also post a sign prominently upon said real estate, which sign shall give notice of the existence of a nuisance upon said real estate and request the owner, or anyone having knowledge of the whereabouts of the owner to contact the Board of Public Works.

SECTION 6. The owner of any real estate upon which is situated a nuisance as hereinabove described may abate the same a) by entering into a contract for the repair and/or alteration of any existing structure which has been unoccupied because of damage; b) by entering into contracts for the demolition of any existing building and its replacement with a new building or for the landscaping of the premises in a manner which will remove any hazard to the safety of pedestrians and motorists and which will remove all physical blight from the premises; c) by entering into a contract for the construction of a new building upon any vacant premises; d) by entering into a contract for the landscaping of any vacant premises in a manner which will remove any hazard to the safety of pedestrians and motorists and which will remove all physical blight from the premises.

SECTION 7. In the event the owner of any real estate upon which is situated a nuisance as hereinabove described shall not have abated such nuisance within 60 days of receipt of the notice provided in Section 4 hereof or with 60 days of the posting of the sign provided for in Section 5 hereof, the Board of Public Works of the City of Fort Wayne, Indiana shall proceed to abate such nuisance by demolishing any building and by landscaping the premises in a manner which will remove any hazard to the safety of pedestrians and motorists and which will remove all physical blight from the premises. It shall be the duty

of said Board of Public Works to maintain such landscaping until the real estate is sold or otherwise alienated. Provided, however, that said Board of Works may extend the aforesaid 60 day period by an additional 60 days if said Board of Public Works determines that the owner of the real estate involved is making a good faith attempt to abate the nuisance upon such real estate.

SECTION 8. The Board of Public Works of the City of Fort Wayne, Indiana shall submit a bill for the labor, equipment and material used in said demolition and/or initial landscaping to the owner of the real estate involved. Thereafter said Board of Public Works shall submit a bill annually for the cost of maintaining any landscaping. If said bill is not paid within 90 days from the date of submission, said Board of Public Works shall proceed to file a lien against the property in the amount of the bill together with interest at the rate of 8% per annum and together with reasonable attorney fees which shall be used to help defray the expenses of the Law Department of the City of Fort Wayne, Indiana.

SECTION 9. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 10. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Eugene Kraus, Jr.
Councilman

Read the first time in full and on motion by Kraus seconded by Hinga and duly adopted, read the second time by title, and referred to the Committee on Regulations.

Date: 8-22-72

Charles W. Westerman
City Clerk

BILL NO. A-72-08-03

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance appropriating funds from the unexpended and unappropriated balance of The General Fund of the 1972 Budget of the City of Fort Wayne have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

William T. Hinga
Winfield Moses, Jr.
James S. Stier
Samuel J. Talarico
Paul "Mike" Burns

Concurred in 8-22-72

Charles W. Westerman
City Clerk

BILL NO. A-72-08-03

APPROPRIATION ORDINANCE NO. A-09-72

AN ORDINANCE appropriating funds from the unexpended and unappropriated balance of The General Fund of the 1972 Budget of the City of Fort Wayne.

WHEREAS, the Central Relocation Department of the City of Fort Wayne, Indiana will be assisting in the moving of individuals and families who have been living in houses which cannot comply with the minimum housing code of said City and consequently are to be condemned; and

WHEREAS, the movement of such individuals and families to standard housing is an important step in the preservation of the human and physical resources of said City; and

WHEREAS, many of such individuals and families could pay moving costs only at great financial hardship and sacrifice;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That thereis hereby appropriated out of the unexpended and unappropriated balance of the General Fund of the 1972 Budget of the City of Fort Wayne the sum of \$5,000.00 to Account No. 266-Relocation in the 1972 Budget of the Board of Public Works.

SECTION 2. Such monies shall be used to assist the movement of individuals and families from housing which is condemned for failure to comply with the minimum housing code of said City into housing which meets all the standards of said Code.

SECTION 3. The Central Relocation Department of said City shall pay the moving expenses of such individuals and families up to a maximum of \$50.00 to an individual or family which is moving from a one room dwelling; up to a maximum of \$90.00 for an individual or family which is moving from a two room dwelling; up to a maximum of \$125.00 to an individual or family which is moving from a three room dwelling; up to a maximum of \$160.00 to an individual or a family which is moving from a four room dwelling; up to a maximum of \$195.00 to an individual or family which is moving from a five room dwelling; up to a maximum of \$230.00 to an individual or a family which is moving from a six room dwelling; and up to a maximum of \$265.00 to an individual or family moving from seven or more room dwelling.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Winfield C. Moses, Jr.
Councilman

Read the third time in full and on motion by Hinga seconded by Kraus and duly adopted, placed on its passage.

PASSED by the following vote:

Ayes: Seven
Hinga, Kraus, Nuckols, Moses, D. Schmidt, Stier, Talarico
Nays: One
Burns
Absent: One
V. Schmidt

Date: 8-22-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Appropriation Ordinance No. A-09-72 on the 22nd day of August, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of August, 1972, at the hour of 11:00 A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of August, 1972, at the hour of 3:00 o'clock P.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. G-72-08-14

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance creating a Centralized Relocation Agency, and creating a position of Relocation Director and amending Special Ordinance No. S-713-71 by fixing the salary for such position for the year 1972 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

William T. Hinga
Winfield Moses, Jr.
James S. Stier
Samuel J. Talarico
Paul "Mike" Burns

Concurred in 8-22-72

Charles W. Westerman
City Clerk

BILL NO. G-72-08-14

GENERAL ORDINANCE NO. G-15-72

AN ORDINANCE creating a Centralized Relocation Agency, and creating a position of Relocation Director and amending Special Ordinance No. S-713-71 by fixing the salary for such position for the year 1972.

WHEREAS, the City of Fort Wayne, Indiana has entered into a Memorandum of Understanding with the Department of Housing and Urban Development; and

WHEREAS, the Common Council of said City has approved said Memorandum of Understanding by resolution; and

WHEREAS, the need for such a Centralized Relocation Agency is apparent in view of the number of persons requiring relocation as a result of local code enforcement and urban renewal; and

WHEREAS, it is apparent that there is need for a director to be in charge of supervising relocation activities; and

WHEREAS, the duties of the Centralized Relocation Agency and the duties of the Minimum Housing Code Compliance Division are mutually compatible and the same officer could efficiently and economically discharge the responsibilities of being in charge of each said office;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. There is hereby created a Centralized Relocation Agency within the Board of Works and subject to the overall control of the Board of Works.

SECTION 2. There is hereby created the office of Relocation Director in charge of said Centralized Relocation Agency. Said office shall be appointed by the Mayor, shall serve at the pleasure of the Mayor and shall receive an annual salary of \$14,000 per year.

SECTION 3. The Centralized Relocation Agency shall provide relocation assistance to all persons displaced as a result of local code enforcement or urban renewal, and the Centralized Relocation Agency shall provide property management service for properties acquired by the City of Fort Wayne as a result of urban renewal programs, as set out in the Urban Renewal Handbook as issued by the Department of Housing and Urban Development; the Centralized Relocation Agency shall provide social service counseling and referral assistance to displaced persons in assisting their relocation; the Centralized Relocation Agency shall maintain in its office listings of dwelling units which might be available in connection with the relocation of persons leaving areas which have been acquired by the City as a result of urban renewal programs.

SECTION 4. The Minimum Compliance Division shall be responsible for the inspection of units used, or intended to be used for housing, to assure compliance with all applicable statutes, ordinances and regulations enacted, adopted or promulgated by legislative or administrative agencies having authority in the premises.

SECTION 5. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 6. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Winfield C. Moses, Jr.
Councilman

Read the third time in full and on motion by Hinga seconded by Stier and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 8-22-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-15-72 on the 22nd day of August, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of August, 1972, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of August, 1972, at the hour of 3:00 o'clock P.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. S-72-08-06

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving Agreement to Purchase real estate from Seldum and Carolyn Shields have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

William T. Hinga
Winfield C. Moses, Jr.
James S. Stier
Samuel J. Talarico
Paul M. Burns

Concurred in 8-22-72

Charles W. Westerman
City Clerk

BILL NO. S-72-08-06

SPECIAL ORDINANCE NO. S-68-72

AN ORDINANCE approving Agreement to Purchase
real estate from Seldum and Carolyn Shields.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Agreement to Purchase real estate, dated July 27, 1972, between the City of Fort Wayne, by and through its Mayor and Board of Public Works, and SELDUM and CAROLYN SHIELDS, for the real estate described as follows, to-wit:

The South 24 feet of Lot Number 211 in
Lewis Addition to the City of Fort Wayne,
Allen County, Indiana

(1811 S. Lafayette Street)

for the sum of \$2,700.00, cash to be paid upon the delivery of a good and sufficient Warranty Deed for said real estate, all as more particularly set forth in said Agreement to Purchase, which is be reference incorporated herein and made part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Winfield C. Moses, Jr.
Councilman

Read the third time in full and on motion by Hinga seconded by Stier and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 8-22-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-68-72 on the 22nd day of August, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of August, 1972, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of August, 1972, at the hour of 3:00 o'clock P.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. S-72-08-27

SUSPENSION OF RULES

COUNCILMAN, WILLIAM T. HINGA, moved to suspend the rules on passage of BILL NO. S-72-08-27 at this meeting of August 22, 1972, of the Common Council of the City of Fort Wayne, Indiana. Said motion was seconded by Councilman, Eugene Kraus, Jr., and duly passed unanimous vote of all legally elected members of the said Common Council.

The above BILL and SPECIAL ORDINANCE was accordingly placed on its passage.

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

BILL NO. S-72-08-27

SPECIAL ORDINANCE NO. S-69-72

AN ORDINANCE authorizing the execution of a deed to the State of Indiana for certain real estate owned by the City of Fort Wayne, Indiana.

WHEREAS, the City of Fort Wayne, Indiana, is the owner of certain real estate in Allen County, Indiana, described as follows:

A part of the North Half of the Northeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, described as follows:

Beginning south 89 degrees 35 minutes 00 seconds east 2.644.30 feet along the north line of said half-quarter section and south 0 degrees 14 minutes 00 seconds east 40.00 feet along the west boundary of S.R. 327 from the northwest

corner of said half-quarter section; thence south 0 degrees 14 minutes 00 seconds east 572.34 feet along said west boundary; thence south 11 degrees 04 minutes 36 seconds west along said west boundary; thence north 0 degrees 14 minutes 00 seconds west along a line 20.00 feet from and parallel to the said west boundary 633.00 feet; thence north 49 degrees 21 minutes 36 seconds west 60.75 feet; thence south 89 degrees 35 minutes 00 seconds east 65.65 feet to the point of beginning, containing 0.307 acres, more or less.

The grantor executes this deed for the purpose of improving Cook Road and S.R. 327. Project ACR 671.

and

WHEREAS, this Council has determined that it will be in the best interests of the City of Fort Wayne to execute a deed for the sale of the above described parcel of real estate, on terms and conditions required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Mayor of the City of Fort Wayne be, and he hereby is, authorized and directed, in the name of and for and in behalf of the City of Fort Wayne, to execute a deed to the State of Indiana, for the parcel of real estate herein described, such deed to be in the form a Quit-Claim Deed and to be subject to the terms and conditions as shall be considered necessary or advisable in the best interests of the City of Fort Wayne. The signature of the Mayor on such instrument shall be attested by the City Clerk of the City of Fort Wayne and shall be accompanied by the Seal of said City.

SECTION 2. This Ordinance shall be and constitute sufficient authority for the Mayor and the City Clerk of the City of Fort Wayne to execute such a deed and to do all things incidental thereto or necessary therefor.

SECTION 3. This Ordinance is passed upon the same date and at the same meeting at which it is introduced and it is passed by the unanimous consent of all the members of the Common Council present and there are present and voting at least two-thirds of all the members elect of said Common Council.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage.

William Hinga
Councilman

Read the third time in full and on motion by Hinga seconded by Kraus and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight

Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, Stier, Talarico

Nays: None

Absent: One V. Schmidt

Date: 8-22-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-69-72 on the 22nd day of August, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City ClerkJohn Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of August, 1972, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of August, 1972, at the hour of 3:00 o'clock P.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. Z-72-04-24

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. C-16 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

Eugene Kraus, Jr.
James S. Stier
William T. Hinga
Paul M. Burns

Date: 8-22-72 Concurred in

Charles W. Westerman
City Clerk

BILL NO. Z-72-04-24

ZONING MAP ORDINANCE NO. Z-11-72

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. C-16.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a BIB District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. C-16

referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Part of the North half of the Northeast $\frac{1}{4}$ of Section 36; Township 30 North; Range 12 East; Allen County, Indiana, more particularly described as follows:

Commencing at a point of the North line of the North $\frac{1}{2}$ of the Northeast $\frac{1}{2}$ of said Section 36, Township and Range, said point being situated 1188.0 feet East of the Northwest corner of the North half of the Northeast $\frac{1}{4}$ of said Section 36; thence East along the North line of the North half of the Northeast $\frac{1}{4}$ of said Section 36 a distance of 505.0 feet; thence South and parallel to the West line of the North half of the Northeast $\frac{1}{4}$ of said Section 195.0 feet to point of beginning; containing 2.238 acres of land, and subject to Tillman Road Right-of-Way.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Eugene Kraus, Jr.
Councilman

Read the third time in full and on motion by Kraus seconded by Stier and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight
Burns, Hinga, Kraus, Muckols, Moses, D. Schmidt, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 8-22-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Ordinance No. Z-11-72 on the 22nd day of August, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Muckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of August, 1972, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of August, 1972, at the hour of 3:00 o'clock P.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. Z-72-04-25

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. AA-11 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

Eugene Kraus, Jr.
James S. Stier
William T. Hinga
Paul M. Burns

Concurred in 8-22-72

Charles W. Westerman
City Clerk

BILL NO. Z-72-04-25

ZONING MAP ORDINANCE NO. Z-12-72

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. AA-11

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M-1 District under the terms of Chapter 26, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2826 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. AA-11 referred to therein established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Lot # 8, 9, 10, & 11 of Wallywood, Section "A",
bounded on the North by Franke Park Drive, on
the west by part of Lot # 14 of Romy's Out Lots,
bounded on the east by a line 290± L.F. west of
and parallel to the centerline of Wells Street.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Eugene Kraus, Jr.
Councilman

Read the third time in full and on motion by Kraus seconded by Hinga and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 8-22-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-12-72 on the 22nd day of August, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of August, 1972, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of August, 1972 at the hour of 3:00 o'clock P.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. G-72-08-13

It was moved by William Hinga and seconded by Winfield Moses, Jr., the the Standing Committee on Regulations be relieved of BILL NO. G-72-08-13, and be acted upon by the "Committee of the Whole".

BILL NO. G-72-08-13

REPORT OF THE COMMITTEE OF THE WHOLE

We, your Committee of the Whole to whom was referred an Ordinance providing for the inspection of certain housing to ensure compliance with the Minimum Housing Code before such Housing is sold or rented have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO NOT PASS.

William T. Hinga
 Paul M. Burns
 Samuel J. Talarico
 Winfield C. Moses, Jr.
 D.Schmidt

Date: 8-22-72 Concurred in

Charles W. Westerman
 City Clerk

BILL NO. G-72-08-13

GENERAL ORDINANCE NO. G-LOST

AN ORDINANCE providing for the inspection of certain housing to ensure compliance with the Minimum Housing Code before such Housing is sold or rented.

WHEREAS, substandard housing is one of the most serious problems existing in the City of Fort Wayne, Indiana, affecting the physical and mental health of the inhabitants of said City, creating blight which affects property values throughout many sections of the City and which renders the operation of commercial enterprises impracticable in many sections of said City; and

WHEREAS, substandard housing is becoming evermore prevalent in said City; and

WHEREAS, the persons who buy or rent substandard housing units tend to be persons of limited sophistication and with limited financial resources, so that such persons do not always readily perceive the disadvantages to a proposed purchase or lease of real estate and so that any inequity is particularly burdensome to such persons.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. No house within the city limits of the City of Fort Wayne, Indiana which is assessed for tax purposes at a value of \$3,000.00 or less, shall be sold to anyone who intends to use it as a residence, either for himself or for lessees, unless, before the transfer of the deed or before the signing of the contract, if the property is being sold on contract, there has been an inspection by the Minimum Housing Division of said City for the purpose of determining whether the house is in all respects in compliance with the Minimum Housing Code of said City.

SECTION 2. No house within the city limits of the City of Fort Wayne, Indiana, which is assessed for tax purposes at a value of \$3,000.00 or less, and no rooms within any such house, shall be leased, rented, or otherwise turned over for occupancy by anyone intending to use such house for residential purposes or to sub-lease, sub-rent, or otherwise turn the house over to a third person for occupancy as a residence unless the house has been inspected within two weeks of the commencement of the occupancy by the lessee, renter or other occupant, such inspection to be conducted by a representative of the Minimum Housing Division of said City, to insure that the house complies in all respects with the Minimum Housing Code of said City.

SECTION 3. In the event that a house fails to comply with the Minimum Housing Code of said City, the Minimum Housing Division shall place a placard, in a size and form to be selected by said Division, in a prominent place upon the front and back of said house. Said placard will convey the information, that because of such noncompliance, said house may not be sold, leased, rented or otherwise turned over to anyone for occupancy until all defects have been corrected.

SECTION 4. When said house has been brought into such condition that it complies in all respects with the Minimum Housing Code of said City, the Minimum Housing Division of said City shall remove such placards from the back and front entrance.

SECTION 5. It shall be the duty of the owner, vendor, or lessor to apply at the office of the Department of Relocation and Minimum Housing for such inspection and pay such fee or fees provided for under Section 7 of this Ordinance.

SECTION 6. It shall be a misdemeanor for anyone other than the Minimum Housing Division of said City to remove such placards. Upon Conviction of such a misdemeanor, the person found guilty shall be fined an amount not to exceed \$500.00 and/or imprisonment for a term not to exceed 30 days.

SECTION 7. The Minimum Housing Division of said City shall charge a fee of \$25.00 for the initial inspection of each house which is inspected pursuant to the requirements of this Ordinance. In the event the house does not comply with the Minimum Housing Ordinance of the City of Fort Wayne upon such an initial inspection, there shall be a fee of \$10.00 for each reinspection until there is such compliance. Provided, that in the event there is not compliance within three months of the date for the initial inspection, then any additional inspection shall be treated as an initial inspection and there shall be a fee of \$25.00.

SECTION 8. This Ordinance shall be in full force and effect from and after passage, approved by the Mayor and legal publication thereof.

Eugene Kraus, Jr.
Councilman

Read the third time in full and on motion by Kraus seconded by Hinga and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Three
Kraus, Nuckols, Stier
Nays: Five
Burns, Hinga, Moses, D. Schmidt, Talarico
Absent: One
V. Schmidt

Date: 8-22-72

Charles W. Westerman
City Clerk

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

BILL NO. S-72-08-07

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance approving Agreement for Sewer Extension between Fort Wayne Community School Building Corporation and City of Fort Wayne, for sanitary sewer extension known as Northrop High School Sanitary Lateral Sewer Extension have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

Winfield C. Moses, Jr.
William T. Hinga
Samuel J. Talarico
Eugene Kraus, Jr.
Donald J. Schmidt

Concurred in 8-22-72

Charles W. Westerman
City Clerk

BILL NO. S-72-08-07

SPECIAL ORDINANCE NO. S-70-72

AN ORDINANCE approving Agreement for Sewer Extension between Fort Wayne Community School Building Corporation and City of Fort Wayne, for sanitary sewer extension known as Northrop High School Sanitary Lateral Sewer Extension.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Agreement for Sewer Extension, finally approved July 26, 1972, between FORT WAYNE COMMUNITY SCHOOL BUILDING CORPORATION, as Developer, and the City of Fort Wayne, by and through its Mayor and Board of Public Works, for the construction of a sanitary sewer extension to serve the area known as Northrop High School Sanitary Lateral Sewer Extension, the total cost of said sewer to be paid by Developer, all as more particularly set forth in said Agreement which is on file in the office of the Board of Public Works and is hereby reference incorporated herein and made part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. The Developer, and any owner or owners of land, their successors in title and assigns, which is now or hereafter located outside the corporate limits of the City of Fort Wayne, Indiana, who connects into the sewer constructed hereunder shall be deemed to hereby waive his, her, their or its right to remonstrate against or otherwise object to, interfere with or oppose any pending or future annexation by the City of Fort Wayne of such land or of the territory in which such land is located or of the area served by said sewer.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Winfield C. Moses, Jr.
Councilman

Read the third time in full and on motion by Moses seconded by Hinga and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 8-22-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-70-72 on the 22nd day of August, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of August, 1972, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of August, 1972, at the hour of 3:00 o'clock P.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. S-72-08-05

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving a contract with BERCOT, INC. for Sanitary Sewer Improvement Resolution No. 853-1971 have had said Ordinance under consideration beg leave to report back to the Common Council that said Ordinance DO NOT PASS.

Paul M. Burns
Eugene Kraus, Jr.
Donald J. Schmidt
William T. Hinga
Winfield C. Moses, Jr.

BILL NO. S-72-08-05

SPECIAL ORDINANCE NO. S-LOST

AN ORDINANCE approving a contract with BERCOT, INC. for Sanitary Sewer Improvement Resolution No. 853-1971.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The contract approved July 26, 1972, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and BERCOT, INC. for Sanitary Sewer Improvement Resolution No. 853-1971 in the area of Butler Road, Butler Court and Goshen Road for a total cost of \$217,773.65, the City's estimated share being \$77,078.25, as more specifically set forth in said contract which is on file in the office of the Board of Public Works, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns seconded by Hinga and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None
Nays: Eight
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, Stier, Talarico
Absent: One
V. Schmidt

Date: 8-22-72

Charles W. Westerman
City Clerk

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 22nd day of August, 1972; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana,
this 22nd day of August, 1972.

Charles W. Westerman
City Clerk

SEAL

Minutes approved and signed in open Council this 12th day of September, 1972.

City Clerk

Presiding Officer